

AMENDED IN ASSEMBLY FEBRUARY 24, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 4

**Introduced by Assembly Members Bogh and Garcia, Garcia, and
Koretz**

December 6, 2004

An act to amend Sections 13352, 23546, 23550, 23550.5, ~~and 23566~~ 23566, and 23575 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 4, as amended, Bogh. Vehicles: driver's license: permanent revocation: DUI.

(1) Existing law requires the Department of Motor Vehicles to revoke for 3, 4, or 5 years, as specified, the driving privilege of a person who has been convicted of a third or subsequent violation of certain provisions prohibiting driving a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol and any drug (DUI.)

This bill, instead, would require the department to permanently revoke the driving privilege when a person has been convicted of a third or subsequent violation of the specified DUI provisions. The bill would make conforming changes in related provisions of existing law.

(2) Existing law requires that a person convicted of violating certain DUI provisions be punished by certain fines and terms of imprisonment if the violation occurs within 10 years after 2, 3, or more separate violations of certain DUI provisions.

This bill would require that a person convicted of violating certain DUI provisions be punished by the specified fines and terms of imprisonment if the violation occurs after 2, 3, or more separate violations of certain DUI provisions without regard to the 10-year

requirement. Because this requirement would increase the level of service required from local law enforcement agencies, the bill would impose a state-mandated local program.

(3) Existing law makes it a public offense, punishable by certain fines and terms of imprisonment, for a person to be convicted of a violation of certain DUI provisions, if the offense occurred within 10 years after certain felony or serious DUI convictions.

This bill would make it a public offense, punishable by certain fines and terms of imprisonment, for a person to be convicted of a violation of certain DUI provisions, if the offense occurred after certain felony or serious DUI convictions without regard to the 10-year requirement. The bill thereby would impose a state-mandated local program by expanding the scope of an existing crime.

(4) *Existing law requires a person who has been convicted of one or more DUI violations within 10 years to apply to the department for a restricted driver's license that prohibits the person from operating a motor vehicle unless the vehicle is equipped with a functioning, certified ignition interlock device.*

This bill would require the court to require that a person described above with 0.16% or more, by weight, of alcohol in his or her blood at the time of the recent arrest to install a certified ignition interlock device on each vehicle that the person owns or operates and to prohibit that person from operating a motor vehicle unless that vehicle is equipped with a functioning, certified ignition interlock device.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 **SECTION 1.** *This act shall be known as Adam's Law.*

2 ~~SECTION 1.~~

3 **SEC. 2.** Section 13352 of the Vehicle Code, as amended by
4 Section 1.5 of Chapter 595 of the Statutes of 2004, is amended to
5 read:

6 13352. (a) The department shall immediately suspend or
7 revoke the privilege of a person to operate a motor vehicle upon
8 the receipt of an abstract of the record of any court showing that
9 the person has been convicted of a violation of Section 23152 or
10 23153 or subdivision (a) of Section 23109, or upon the receipt of
11 a report of a judge of the juvenile court, a juvenile traffic hearing
12 officer, or a referee of a juvenile court showing that the person
13 has been found to have committed a violation of Section 23152
14 or 23153 or subdivision (a) of Section 23109. If any offense
15 specified in this section occurs in a vehicle defined in Section
16 15210, the suspension or revocation specified below shall apply
17 to the noncommercial driving privilege. The commercial driving
18 privilege shall be disqualified as specified in Sections 15300 to
19 15302, inclusive. For the purposes of this section, suspension or
20 revocation shall be as follows:

21 (1) Except as required under Section 13352.4, upon a
22 conviction or finding of a violation of Section 23152 punishable
23 under Section 23536, the privilege shall be suspended for a
24 period of six months. The privilege may not be reinstated until
25 the person gives proof of financial responsibility and gives proof
26 satisfactory to the department of successful completion of a
27 driving-under-the-influence program licensed pursuant to Section
28 11836 of the Health and Safety Code described in subdivision (b)
29 of Section 23538. If the court, as authorized under paragraph (3)
30 of subdivision (b) of Section 23646, elects to order a person to
31 enroll, participate and complete either program described in
32 paragraph (4) of subdivision (b) of Section 23542, the
33 department shall require that program in lieu of the program
34 described in subdivision (b) of Section 23538. For the purposes
35 of this paragraph, enrollment, participation, and completion of an
36 approved program shall be subsequent to the date of the current
37 violation. Credit may not be given to any program activities
38 completed prior to the date of the current violation.

(2) Upon a conviction or finding of a violation of Section 23153 punishable under Section 23554, the privilege shall be suspended for a period of one year. The privilege may not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code as described in subdivision (b) Section 23556. If the court, as authorized under paragraph (3) of subdivision (b) of Section 23646, elects to order a person to enroll, participate, and complete either program described in paragraph (4) of subdivision (b) of Section 23542, the department shall require that program in lieu of the program described in Section 23556. For the purposes of this paragraph, enrollment, participation, and completion of an approved program shall be subsequent to the date of the current violation. Credit may not be given to any program activities completed prior to the date of the current violation.

(3) Except as provided in Section 13352.5, upon a conviction or finding of a violation of Section 23152 punishable under Section 23540, the privilege shall be suspended for two years. The privilege may not be reinstated until the person gives proof of financial responsibility and gives proof satisfactory to the department of successful completion of a driving-under-the-influence program licensed pursuant to Section 11836 of the Health and Safety Code as described in subdivision (b) of Section 23542. For the purposes of this paragraph, enrollment, participation, and completion of an approved program shall be subsequent to the date of the current violation. Credit shall not be given to any program activities completed prior to the date of the current violation. The department shall advise the person that after completion of 12 months of the suspension period, which may include credit for any suspension period served under subdivision (c) of Section 13353.3, the person may apply to the department for a restricted driver's license, subject to the following conditions:

(A) The person has satisfactorily provided, subsequent to the violation date of the current underlying conviction, either of the following:

1 (i) Proof of enrollment in an 18-month
2 driving-under-the-influence program licensed pursuant to Section
3 11836 of the Health and Safety Code.

4 (ii) Proof of enrollment in a 30-month
5 driving-under-the-influence program licensed pursuant to Section
6 11836 of the Health and Safety Code, if available in the county
7 of the person's residence or employment.

8 (B) The person agrees, as a condition of the restriction, to
9 continue satisfactory participation in the program described in
10 subparagraph (A).

11 (C) The person submits the "Verification of Installation" form
12 described in paragraph (2) of subdivision (e) of Section 13386.

13 (D) The person agrees to maintain the ignition interlock device
14 as required under subdivision (g) of Section 23575.

15 (E) The person provides proof of financial responsibility, as
16 defined in Section 16430.

17 (F) The person pays all administrative fees or reissue fees and
18 any restriction fee required by the department.

19 (G) The restriction shall remain in effect for the period
20 required in subdivision (f) of Section 23575.

21 (4) Except as provided in this paragraph, upon a conviction or
22 finding of a violation of Section 23153 punishable under Section
23 23560, the privilege shall be revoked for a period of three years.
24 The privilege may not be reinstated until the person gives proof
25 of financial responsibility, and the person gives proof satisfactory
26 to the department of successful completion of a
27 driving-under-the-influence program licensed pursuant to Section
28 11836 of the Health and Safety Code, as described in subdivision
29 (b) of Section 23562. For the purposes of this paragraph,
30 enrollment, participation, and completion of an approved
31 program shall be subsequent to the date of the current violation.
32 Credit shall not be given to any program activities completed
33 prior to the date of the current violation. The department shall
34 advise the person that after the completion of 18 months of the
35 revocation period, which may include credit for any suspension
36 period served under subdivision (c) of Section 13353.3, the
37 person may apply to the department for a restricted driver's
38 license, subject to the following conditions:

1 (A) The person has satisfactorily completed, subsequent to the
2 violation date of the current underlying conviction, either of the
3 following:

4 (i) An 18-month driving-under-the-influence program licensed
5 pursuant to Section 11836 of the Health and Safety Code.

6 (ii) The initial 18 months of a 30-month
7 driving-under-the-influence program licensed pursuant to Section
8 11836 of the Health and Safety Code, if available in the county
9 of the person's residence or employment, and the person agrees,
10 as a condition of the restriction, to continue satisfactory
11 participation in that 30-month program.

12 (B) The person submits the "Verification of Installation" form
13 described in paragraph (2) of subdivision (e) of Section 13386.

14 (C) The person agrees to maintain the ignition interlock device
15 as required under subdivision (g) of Section 23575.

16 (D) The person provides proof of financial responsibility, as
17 defined in Section 16430.

18 (E) The person pays all applicable reinstatement or reissue
19 fees and any restriction fee required by the department.

20 (F) The restriction shall remain in effect for the period
21 required in subdivision (f) of Section 23575.

22 (5) Upon a conviction or finding of a violation of Section
23 23152 punishable under Section 23546, the privilege shall be
24 permanently revoked.

25 (6) Upon a conviction or finding of a violation of Section
26 23153 punishable under Section 23550.5 or 23566, the privilege
27 shall be permanently revoked.

28 (7) Upon a conviction or finding of a violation of Section
29 23152 that is punishable under Section 23550 or 23550.5, or of
30 Section 23153 that is punishable under Section 23550.5, the
31 privilege shall be permanently revoked.

32 (8) Upon a conviction or finding of a violation of subdivision
33 (a) of Section 23109 that is punishable under subdivision (e) of
34 that section, the privilege shall be suspended for a period of 90
35 days to six months, if ordered by the court. The privilege may not
36 be reinstated until the person gives proof of financial
37 responsibility, as defined in Section 16430.

38 (9) Upon a conviction or finding of a violation of subdivision
39 (a) of Section 23109 that is punishable under subdivision (f) of
40 that section, the privilege shall be suspended for a period of six

1 months, if ordered by the court. The privilege may not be
2 reinstated until the person gives proof of financial responsibility,
3 as defined in Section 16430.

4 (b) For the purpose of paragraphs (2) to (9), inclusive, of
5 subdivision (a), the finding of the juvenile court judge, the
6 juvenile hearing officer, or the referee of a juvenile court of a
7 commission of a violation of Section 23152 or 23153 or
8 subdivision (a) of Section 23109, as specified in subdivision (a)
9 of this section, is a conviction.

10 (c) A judge of a juvenile court, juvenile hearing officer, or
11 referee of a juvenile court shall immediately report the findings
12 specified in subdivision (a) to the department.

13 (d) A conviction of an offense in any state, territory, or
14 possession of the United States, the District of Columbia, the
15 Commonwealth of Puerto Rico, or Canada that, if committed in
16 this state, would be a violation of Section 23152, is a conviction
17 of Section 23152 for purposes of this section, and a conviction of
18 an offense that, if committed in this state, would be a violation of
19 Section 23153, is a conviction of Section 23153 for purposes of
20 this section. The department shall suspend or revoke the privilege
21 to operate a motor vehicle pursuant to this section upon receiving
22 notice of that conviction.

23 (e) For the purposes of the restriction conditions specified in
24 paragraphs (3) to (7), inclusive, of subdivision (a), the
25 department shall terminate the restriction imposed pursuant to
26 this section and shall suspend or revoke the person's driving
27 privilege upon receipt of notification from the
28 driving-under-the-influence program that the person has failed to
29 comply with the program requirements. The person's driving
30 privilege shall remain suspended or revoked for the remaining
31 period of the original suspension or revocation imposed under
32 this section and until all reinstatement requirements described in
33 this section are met.

34 (f) For the purposes of this section, completion of a program is
35 the following:

36 (1) Satisfactory completion of all program requirements
37 approved pursuant to program licensure, as evidenced by a
38 certificate of completion issued, under penalty of perjury, by the
39 licensed program.

(2) Certification, under penalty of perjury, by the director of a program specified in Section 8001 of the Penal Code, that the person has completed a program specified in Section 8001 of the Penal Code.

(g) The holder of a commercial driver's license who was operating a commercial motor vehicle, as defined in Section 15210, at the time of a violation that resulted in a suspension or revocation of the person's noncommercial driving privilege under this section is not eligible for the restricted driver's license authorized under paragraphs (3) to (7), inclusive, of subdivision (a).

~~SEC. 2.~~

SEC. 3. Section 23546 of the Vehicle Code, as amended by Section 14 of Chapter 550 of the Statutes of 2004, is amended to read:

23546. (a) If a person is convicted of a violation of Section 23152 and the offense occurred after two separate violations of Section 23103, as specified in Section 23103.5, 23152, or 23153, or any combination thereof, that resulted in convictions, that person shall be punished by imprisonment in the county jail for not less than 120 days nor more than one year and by a fine of not less than three hundred ninety dollars (\$390) nor more than one thousand dollars (\$1,000). The person's privilege to operate a motor vehicle shall be revoked by the Department of Motor Vehicles as required in paragraph (5) of subdivision (a) of Section 13352. The court shall require the person to surrender his or her driver's license to the court in accordance with Section 13550.

(b) A person convicted of a violation of Section 23152 punishable under this section shall be designated as a habitual traffic offender for a period of three years, subsequent to the conviction. The person shall be advised of this designation pursuant to subdivision (b) of Section 13350.

~~SEC. 3.~~

SEC. 4. Section 23550 of the Vehicle Code, as amended by Section 15 of Chapter 550 of the Statutes of 2004, is amended to read:

23550. (a) If a person is convicted of a violation of Section 23152 and the offense occurred after three or more separate violations of Section 23103, as specified in Section 23103.5, or

1 Section 23152 or 23153, or any combination thereof, that
2 resulted in convictions, that person shall be punished by
3 imprisonment in the state prison, or in a county jail for not less
4 than 180 days nor more than one year, and by a fine of not less
5 than three hundred ninety dollars (\$390) nor more than one
6 thousand dollars (\$1,000). The person's privilege to operate a
7 motor vehicle shall be revoked by the Department of Motor
8 Vehicles pursuant to paragraph (7) of subdivision (a) of Section
9 13352. The court shall require the person to surrender the
10 driver's license to the court in accordance with Section 13550.

11 (b) A person convicted of a violation of Section 23152
12 punishable under this section shall be designated as a habitual
13 traffic offender for a period of three years, subsequent to the
14 conviction. The person shall be advised of this designation
15 pursuant to subdivision (b) of Section 13350.

16 ~~SEC. 4.~~

17 *SEC. 5.* Section 23550.5 of the Vehicle Code is amended to
18 read:

19 23550.5. (a) A person is guilty of a public offense,
20 punishable by imprisonment in the state prison or confinement in
21 a county jail for not more than one year and by a fine of not less
22 than three hundred ninety dollars (\$390) nor more than one
23 thousand dollars (\$1,000) if that person is convicted of a
24 violation of Section 23152 or 23153, and the offense occurred
25 after any of the following:

26 (1) A prior violation of Section 23152 that was punished as a
27 felony under Section 23550 or this section, or both, or under
28 former Section 23175 or former Section 23175.5, or both.

29 (2) A prior violation of Section 23153 that was punished as a
30 felony.

31 (3) A prior violation of paragraph (1) of subdivision (c) of
32 Section 192 of the Penal Code that was punished as a felony.

33 (b) Every person who, having previously been convicted of a
34 violation of Section 191.5 of the Penal Code or a felony violation
35 of paragraph (3) of subdivision (c) of Section 192 of the Penal
36 Code, is subsequently convicted of a violation of Section 23152
37 or 23153 is guilty of a public offense punishable by
38 imprisonment in the state prison or confinement in a county jail
39 for not more than one year and by a fine of not less than three

1 hundred ninety dollars (\$390) nor more than one thousand dollars
2 (\$1,000).

3 (c) The privilege to operate a motor vehicle of a person
4 convicted of a violation that is punishable under subdivision (a)
5 or (b) shall be revoked by the department under paragraph (7) of
6 subdivision (a) of Section 13352, unless paragraph (6) of
7 subdivision (a) of Section 13352 is also applicable, in which case
8 the privilege shall be revoked under that provision. The court
9 shall require the person to surrender the driver's license to the
10 court in accordance with Section 13550.

11 (d) Any person convicted of a violation of Section 23152 or
12 23153 that is punishable under this section shall be designated as
13 a habitual traffic offender for a period of three years, subsequent
14 to the conviction. The person shall be advised of this designation
15 under subdivision (b) of Section 13350.

16 ~~SEC. 5.~~

17 *SEC. 6.* Section 23566 of the Vehicle Code, as amended by
18 Section 17 of Chapter 550 of the Statutes of 2004, is amended to
19 read:

20 23566. (a) If a person is convicted of a violation of Section
21 23153 and the offense occurred after two or more separate
22 violations of Section 23103, as specified in Section 23103.5, or
23 Section 23152 or 23153, or any combination of these violations,
24 that resulted in convictions, that person shall be punished by
25 imprisonment in the state prison for a term of two, three, or four
26 years and by a fine of not less than one thousand fifteen dollars
27 (\$1,015) nor more than five thousand dollars (\$5,000). The
28 person's privilege to operate a motor vehicle shall be revoked by
29 the Department of Motor Vehicles pursuant to paragraph (6) of
30 subdivision (a) of Section 13352. The court shall require the
31 person to surrender the driver's license to the court in accordance
32 with Section 13550.

33 (b) If a person is convicted of a violation of Section 23153,
34 and the act or neglect proximately causes great bodily injury, as
35 defined in Section 12022.7 of the Penal Code, to any person
36 other than the driver, and the offense occurred after two or more
37 separate violations of Section 23103, as specified in Section
38 23103.5, or Section 23152 or 23153, or any combination of these
39 violations, that resulted in convictions, that person shall be
40 punished by imprisonment in the state prison for a term of two,

1 three, or four years and by a fine of not less than one thousand
2 fifteen dollars (\$1,015) nor more than five thousand dollars
3 (\$5,000). The person's privilege to operate a motor vehicle shall
4 be revoked by the Department of Motor Vehicles pursuant to
5 paragraph (6) of subdivision (a) of Section 13352. The court shall
6 require the person to surrender the driver's license to the court in
7 accordance with Section 13550.

8 (c) If a person is convicted under subdivision (b), and the
9 offense for which the person is convicted occurred after four or
10 more separate violations of Section 23103, as specified in
11 Section 23103.5, or Section 23152 or 23153, or any combination
12 of these violations, that resulted in convictions, that person shall,
13 in addition and consecutive to the sentences imposed under
14 subdivision (b), be punished by an additional term of
15 imprisonment in the state prison for three years.

16 The enhancement allegation provided in this subdivision shall
17 be pleaded and proved as provided by law.

18 (d) A person convicted of Section 23153 punishable under this
19 section shall be designated as a habitual traffic offender for a
20 period of three years, subsequent to the conviction. The person
21 shall be advised of this designation pursuant to subdivision (b) of
22 Section 13350.

23 (e) A person confined in state prison under this section shall
24 be ordered by the court to participate in an alcohol or drug
25 program, or both, that is available at the prison during the
26 person's confinement.

27 ~~SEC. 6.~~

28 *SEC. 7. Section 23575 of the Vehicle Code is amended to*
29 *read:*

30 23575. (a) (1) (A) In addition to any other provisions of
31 law, the court may require that a person convicted of a first
32 offense violation of Section 23152 or 23153 to install a certified
33 ignition interlock device on any vehicle that the person owns or
34 operates and prohibit that person from operating a motor vehicle
35 unless that vehicle is equipped with a functioning, certified
36 ignition interlock device. The court shall give heightened
37 consideration to applying this sanction to first offense violators
38 with 0.20 percent or more, by weight, of alcohol in his or her
39 blood at arrest, or with two or more prior moving traffic

1 violations, or of persons who refused the chemical tests at arrest.

2 H

3 *(B) In addition to any other provision of law, as to a person*
4 *who is convicted of a violation of Section 23152 or 23153 with*
5 *0.16 percent or more, by weight, of alcohol in his or her blood at*
6 *the time of the arrest, and that offense occurred within 10 years*
7 *of a separate violation of Section 23152 or 23153 that resulted in*
8 *a conviction, the court shall require that person to install a*
9 *certified ignition interlock device on each vehicle that the person*
10 *owns or operates and prohibit that person from operating a*
11 *motor vehicle unless that vehicle is equipped with a functioning,*
12 *certified ignition interlock device.*

13 *(C) If the court orders the ignition interlock device restriction*
14 *under this paragraph, the term shall be determined by the court*
15 *for a period not to exceed three years from the date of conviction.*
16 *The court shall notify the Department of Motor Vehicles, as*
17 *specified in subdivision (a) of Section 1803, of the terms of the*
18 *restrictions in accordance with subdivision (a) of Section 1804.*
19 *The Department of Motor Vehicles shall place the restriction in*
20 *the person's records in the Department of Motor Vehicles.*

21 *(2) The court shall require a person convicted of a violation of*
22 *Section 14601.2 to install an ignition interlock device on any*
23 *vehicle that the person owns or operates and prohibit the person*
24 *from operating a motor vehicle unless the vehicle is equipped*
25 *with a functioning, certified ignition interlock device. The term*
26 *of the restriction shall be determined by the court for a period not*
27 *to exceed three years from the date of conviction. The court shall*
28 *notify the Department of Motor Vehicles, as specified in*
29 *subdivision (a) of Section 1803, of the terms of the restrictions in*
30 *accordance with subdivision (a) of Section 1804. The*
31 *Department of Motor Vehicles shall place the restriction in the*
32 *person's records in the Department of Motor Vehicles.*

33 *(b) The court shall include on the abstract of conviction or*
34 *violation submitted to the Department of Motor Vehicles under*
35 *Section 1803 or 1816, the requirement and term for the use of a*
36 *certified ignition interlock device. The records of the department*
37 *shall reflect mandatory use of the device for the term ordered by*
38 *the court.*

1 (c) The court shall advise the person that installation of an
2 ignition interlock device on a vehicle does not allow the person
3 to drive without a valid driver's license.

4 (d) A person whose driving privilege is restricted by the court
5 pursuant to this section shall arrange for each vehicle with an
6 ignition interlock device to be serviced by the installer at least
7 once every 60 days in order for the installer to recalibrate and
8 monitor the operation of the device. The installer shall notify the
9 court if the device is removed or indicates that the person has
10 attempted to remove, bypass, or tamper with the device, or if the
11 person fails three or more times to comply with any requirement
12 for the maintenance or calibration of the ignition interlock
13 device. There is no obligation for the installer to notify the court
14 if the person has complied with all of the requirements of this
15 article.

16 (e) The court shall monitor the installation and maintenance of
17 any ignition interlock device restriction ordered pursuant to
18 subdivision (a) or (l). If a person fails to comply with the court
19 order, the court shall give notice of the fact to the department
20 pursuant to Section 40509.1.

21 (f) (1) Pursuant to Section 13352, if a person is convicted of a
22 violation of Section 23152 or 23153, and the offense occurred
23 within 10 years of one or more separate violations of Section
24 23152 or 23153 that resulted in a conviction, the person may
25 apply to the Department of Motor Vehicles for a restricted
26 driver's license pursuant to Section 13352 that prohibits the
27 person from operating a motor vehicle unless that vehicle is
28 equipped with a functioning ignition interlock device, certified
29 pursuant to Section 13386. The restriction shall remain in effect
30 for at least the remaining period of the original suspension or
31 revocation and until all reinstatement requirements in Section
32 13352 are met.

33 (2) Pursuant to subdivision (g), the Department of Motor
34 Vehicles shall immediately terminate the restriction issued
35 pursuant to Section 13352 and shall immediately suspend or
36 revoke the privilege to operate a motor vehicle of a person who
37 attempts to remove, bypass, or tamper with the device, who has
38 the device removed prior to the termination date of the
39 restriction, or who fails three or more times to comply with any
40 requirement for the maintenance or calibration of the ignition

1 interlock device ordered pursuant to Section 13352. The privilege
2 shall remain suspended or revoked for the remaining period of
3 the originating suspension or revocation and until all
4 reinstatement requirements in Section 13352 are met.

5 (g) A person whose driving privilege is restricted by the
6 Department of Motor Vehicles pursuant to Section 13352 shall
7 arrange for each vehicle with an ignition interlock device to be
8 serviced by the installer at least once every 60 days in order for
9 the installer to recalibrate the device and monitor the operation of
10 the device. The installer shall notify the Department of Motor
11 Vehicles if the device is removed or indicates that the person has
12 attempted to remove, bypass, or tamper with the device, or if the
13 person fails three or more times to comply with any requirement
14 for the maintenance or calibration of the ignition interlock
15 device. There is no obligation on the part of the installer to notify
16 the department or the court if the person has complied with all of
17 the requirements of this section.

18 (h) Nothing in this section permits a person to drive without a
19 valid driver's license.

20 (i) The Department of Motor Vehicles shall include
21 information along with the order of suspension or revocation for
22 repeat offenders informing them that after a specified period of
23 suspension or revocation has been completed, the person may
24 either install an ignition interlock device on any vehicle that the
25 person owns or operates or remain with a suspended or revoked
26 driver's license.

27 (j) Pursuant to this section, an out-of-state resident who
28 otherwise would qualify for an ignition interlock device
29 restricted license in California shall be prohibited from operating
30 a motor vehicle in California unless that vehicle is equipped with
31 a functioning ignition interlock device. An ignition interlock
32 device is not required to be installed on any vehicle owned by the
33 defendant that is not driven in California.

34 (k) If a person has a medical problem that does not permit the
35 person to breathe with sufficient strength to activate the device,
36 then that person shall only have the suspension option.

37 (l) This section does not restrict a court from requiring
38 installation of an ignition interlock device and prohibiting
39 operation of a motor vehicle unless that vehicle is equipped with
40 a functioning, certified ignition interlock device for a ~~person~~

1 *person* to whom subdivision (a) or (b) does not apply. The term
2 of the restriction shall be determined by the court for a period not
3 to exceed three years from the date of conviction. The court shall
4 notify the Department of Motor Vehicles, as specified in
5 subdivision (a) of Section 1803, of the terms of the restrictions in
6 accordance with subdivision (a) of Section 1804. The
7 Department of Motor Vehicles shall place the restriction in the
8 person's records in the Department of Motor Vehicles.

9 (m) For the purposes of this section, "vehicle" does not
10 include a motorcycle until the state certifies an ignition interlock
11 device that can be installed on a motorcycle. Any person subject
12 to an ignition interlock device restriction shall not operate a
13 motorcycle for the duration of the ignition interlock device
14 restriction period.

15 (n) For the purposes of this section, "owned" means solely
16 owned or owned in conjunction with another person or legal
17 entity. For purposes of this section, "operates" includes operating
18 vehicles that are not owned by the person subject to this section.

19 (o) For the purposes of this section, bypass includes, but is not
20 limited to, either of the following:

21 (1) Any combination of failing or not taking the ignition
22 interlock device rolling retest three consecutive times.

23 (2) Any incidence of failing or not taking the ignition interlock
24 device rolling retest, when not followed by an incidence of
25 passing the ignition interlock rolling retest prior to turning the
26 vehicles's engine off.

27 *SEC. 8.* No reimbursement is required by this act pursuant to
28 Section 6 of Article XIII B of the California Constitution for
29 certain costs that may be incurred by a local agency or school
30 district because, in that regard, this act creates a new crime or
31 infraction, eliminates a crime or infraction, or changes the
32 penalty for a crime or infraction, within the meaning of Section
33 17556 of the Government Code, or changes the definition of a
34 crime within the meaning of Section 6 of Article XIII B of the
35 California Constitution.

36 However, if the Commission on State Mandates determines
37 that this act contains other costs mandated by the state,
38 reimbursement to local agencies and school districts for those
39 costs shall be made pursuant to Part 7 (commencing with Section
40 17500) of Division 4 of Title 2 of the Government Code.

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